

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2005 MAR -4 A 11:11  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

SAVINGS BANKS EMPLOYEES  
RETIREMENT ASSOCIATION,

Plaintiff,

v.

EAST BOSTON SAVINGS BANK;  
CAPE COD FIVE CENTS SAVINGS  
BANK; SOUTH SHORE SAVINGS  
BANK; and WORONOCO SAVINGS  
BANK,

Defendants.

CIVIL ACTION NO. 04-11545-EFH

**PARTIES' JOINT MOTION TO CONSOLIDATE ACTIONS**

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 40.1(J), the parties to this action move to consolidate this action with Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 05-10123-EFH, filed on January 5, 2005 and removed to this Court on January 21, 2005. Pursuant to Court's order of February 22, 2005, attached hereto is a proposed Order of Consolidation.

In support of this motion, the parties state that the two actions present identical claims involving virtually identical facts. The plaintiff, Savings Bank Employees Retirement Association ("SBERA"), is the same in both Actions and the defendants are all former member banks of SBERA. The same attorneys represent each of the defendants in these Actions. Accordingly, consolidating the two Actions will save the Court and the parties the time, expense and inefficiency of litigating two substantially similar cases.

WHEREFORE, the parties respectfully request that the Court grant their motion for consolidation.

EAST BOSTON SAVINGS BANK, CAPE  
COD FIVE CENT SAVINGS BANK, SOUTH  
SHORE SAVINGS BANK, and WORONOCO  
SAVINGS BANK,

by their attorneys,

*Nicole Colby Longton*

*with auth. JML*  
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Dated: March 4, 2005

SAVINGS BANK EMPLOYEES  
RETIREMENT ASSOCIATION,

by its attorneys,

*Arthur G. Telegen*

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Dated: March 4, 2005

REC'D: PD

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SAVINGS BANKS EMPLOYEES  
RETIREMENT ASSOCIATION,

Plaintiff,

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EAST BOSTON SAVINGS BANK;  
CAPE COD FIVE CENTS SAVINGS  
BANK; SOUTH SHORE SAVINGS  
BANK; and WORONOCO SAVINGS  
BANK,

Defendants.

BEFORE THE HONORABLE  
EDWARD F. HARRINGTON

CIVIL ACTION NO. 04-11545-EFH

ORDER GRANTING PARTIES'  
JOINT MOTION TO CONSOLIDATE

WHEREAS the Parties have by joint motion dated March \_\_\_, 2005 moved for consolidation of the above-captioned action with the related action, Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 04-10123-EFH, and

WHEREAS the Court has considered their motion and found good cause for consolidation to have been shown,

It is on this \_\_\_ day of \_\_\_, 2005,

ORDERED that:

1. This action is consolidated with the related action, Savings Bank Employees Retirement Association v. Berkshire Bank, Civil Action No. 04-10123-EFH, also pending before this Court; and

2. A copy of this Order shall be served on all parties within \_\_\_\_\_ days of the date hereof.

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EDWARD F. HARRINGTON, U.S.D.J.